

From: NC WARN [ncwarn@ncwarn.org]
Sent: 7/19/2017 12:50:34 PM
To: Tarr, Jeremy M [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=98859532088e4437968231eb6fef6b70-jmtarr1]
Subject: Legal and Public Challenges to Dominion-Duke Fracked Gas Pipeline



Building People Power for Climate & Energy Justice

NC WARN and other organizations are activity fighting the proposed [Atlantic Coast Pipeline](#). See below for a legal filing by us and information on a public rally cosponsored by some of our allies.

Federal Law Requires Restart of Atlantic Coast Pipeline Review Process, says NC WARN Attorney

Continuous piles of paper filed by Dominion-Duke – 18 to date – make a mockery of fair or effective review process of the fracked gas project, according to new legal motion

Federal law requires energy regulators to start over with the environmental review process for a proposed \$5.6 billion fracked gas pipeline because Dominion Resources and Duke Energy have continued to file huge piles of supplemental information to the draft Environmental Impact Statement (EIS) months after a complete application was required.

Dominion-Duke have submitted 18 additional filings – many thousands of pages. Many were submitted months after the public comment period ended for the Atlantic Coast Pipeline. The latest supplement was filed last Thursday, only days before the Federal Energy Regulatory Commission is set to rule on the hotly contested EIS.

Intervenor NC WARN and two dozen allied nonprofits opposing the pipeline [filed a motion](#) late yesterday citing clear federal law that requires FERC to carefully review the new data and prepare an updated EIS, and allow the public, along with various state and federal agencies, to review and comment on the completed document.

The groups filed two similar motions early in 2017, but FERC has not ruled on them. The federal agency remains in extreme disarray, with only one sitting commissioner on the job. It is unclear whether the agency can approve the EIS with only one of the five seats filled.

Dominion-Duke expect FERC to issue a final EIS on July 20, then a final approval for construction

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in October. FERC and its staff almost always give energy corporations what they want.

But there are various legal and public challenges underway, and federal law is straightforward that decisions must be based on a complete EIS document that's been available for full review. If FERC fails to deal with these issues professionally, we think the courts will force them to.

The continuous and voluminous changes of the data informing the EIS – including impacts to streams, wetlands, soils, environmental justice and wildlife, among other categories – fully thwarts any semblance of basic fairness, due process and government efficiency. The moving target is a virtual hash of data for state and federal agencies, and the public, to try to make sense of.

The moving target might be part of a corporate strategy. On January 10, only days after FERC issued the draft EIS, Dominion and Duke filed voluminous additional information which we believe had been deliberately withheld so they could stay on schedule for the proposed 600-mile pipeline.

Rivers on Raleigh: Rally Against the ACP!

Cosponsored by: Alliance to Protect Our People and the Places We Live, 350 Triangle, Carolina Wetlands Association, Appalachian Voices and Clean Water for North Carolina



When: Wednesday, July 26th at 10:30 a.m.

Where: 249 N. Blount Street, Raleigh

The rally will gather across the street from the Governor's Mansion.

Bring your kayak, signs, and voices!

The Atlantic Coast Pipeline would cut through the heart of eastern North Carolina, crossing many major rivers, hundreds of tributaries and feeder streams, and destroy over 600 acres of wetlands. These waters are home to fragile ecosystems and endangered species, many found only in North Carolina. These same waters lead to an already imperiled estuary and many are the source of drinking water for communities. This is the message that will be shared with Governor Cooper!

There is metered street parking or parking in the nearby NC Museum/Government Center Parking lot at 100 E Jones Street, across from the Archives Building.

RSVP and spread the word through [Facebook](#).

Now in its 29th year, NC WARN's mission urgency is to induce Charlotte-based Duke Energy – one of the world's largest corporate utilities – to make a strong shift to clean, affordable energy in order to stem pollution's damage to communities, and to help avert climate tipping points and ongoing rate hikes.

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